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backfired by providing an excuse for scofflaws. The NPRM is the best darn piece of work to come out of the PRB in years!

The public has long known that adding mobile units onto a system is little more than a ministerial function for the frequency coordinators. And deleting mobile units certainly does not require the keen eye of a trained spectrum watcher to assure that existing operators will not be disturbed. We, therefore, tip our partnered hats at the PRB for publicly recognizing this fact and taking necessary steps to relieve licensees' burdens and costs. Our small suggested addition to the Commission's fine proposal would be to examine whether the Commission should require the filing of a completed FCC Form 574 for these modifications. It appears that a Form 155 and a letter notification would suffice.

The Commission has also shown great common sense in its proposal to end the requirement that end user lists be submitted to the frequency coordinators. This requirement might have arisen out of the best of intentions, but the consequences have not been useful. It is a highly intimidating requirement for private carriers and the lack of security provided for this sensitive information has unnecessarily raised tensions between coordinators and licensees. Since Rule Section 90.179(e) has not only failed to meet expectations, but has resulted in even greater problems in finding ways to protect private carriers'

proprietary information, it should be unceremoniously scrapped. We, therefore, join the Commission at the lip of the landfill of rules gone awry and offer our assistance in heaving Section 90.179(e) over the side.¹

In the spirit of "all's well that ends well", we encourage the Commission to take one additional step to insure the success of its proposals and to make sure that this proceeding ends well. The Commission should make an exception to the frequency coordinators' broad discretion in setting fees, and declare that frequency coordination fees based on the number of mobiles or paging units assigned to a system are not permissible. Not only is this system of charges logically unsupportable, an abuse of coordinator discretion, and patently unfair to applicants, it has resulted in disparate treatment of applications among coordinators, particularly applications seeking coordination of frequencies which are interservice shared.

It makes no sense that one coordinator will charge \$150 for concurrence, while another will charge \$700 for its concurrence, because it wants a piece of the action for each mobile unit or

¹ We also take no umbrage at the fact that our earlier Petition For Rulemaking to protect private carrier end user information was dismissed. We were too far "ahead of the curve". Our clients, identified within the NPRM as the parties to the "End User Petition", are quite pleased with the free legal services we provided to them in preparing their timely joint petition in the public interest.

paging receiver. The practice is purely an exercise in inventory pricing and discriminatory soaking of large system operators, having nothing, whatsoever, to do with the cost of coordinating an application. In agreement with the Commission's logic shown in the NPRM, we urge the Commission to take this final step and end this abusive practice. Such a step will also discourage the filing of lead applications with coordinators which list a minimum number of mobile units, followed by a second application directly to the Commission to increase the number of mobile units.² Given some of the coordinators' fee schedules, this little maneuver could save an applicant up to \$500 -- well worth the effort. The real loser would be the Commission, whose administrative resources would be taxed by having to process essentially duplicative applications. This minor intrusion on the frequency coordinators' fee schedules is completely justifiable, necessary, and definitely in the public interest.

We offer four reasons why the Commission should not attempt to set signalling standards for systems operating on paging-only channels. Any standard of "air time per paging signal" would quickly drive out voice paging, a service which is of great value to users, but one which already difficult to find in the competitive marketplace. In many markets, one must look to the

² When the Commission had, 1986, considered whether mobile increase applications should be coordinated, one of the reasons for deciding to have them coordinated was to avoid this situation.

Private Radio Services to find a means by which a voice page can be transmitted. Many large common carriers desire to provide only non-voice paging and either no longer provide it, or provide it only at a charge that few would pay. To preserve the availability of voice paging, the Commission should not set the suggested standard.

The Commission should also not try to set an air time per page standard because this is an area in which the invisible hand of the marketplace can serve the public interest well. Paging services providers have every self-interest in using the spectrum efficiently, since efficient operation provides the only way in which more pages can be transmitted. To the extent that they can do so, paging operators can be relied upon to use the most efficient mode of transmission available.

While seductive in seeming simplicity, assessment of paging code efficiency is difficult. Some transmission schemes are highly efficient under some traffic conditions, but much less efficient under other conditions. Since this is not a field in which uniformity is required, and since much time could be wasted in attempting to set a standard correctly, it is a field best left to the marketplace.

Unless the Commission is prepared to mandate a great deal of continuing churn in transmission and end user equipment, it

should not establish any standard in this area. The technical literature is rich today with new developments in data coding schemes. As more is learned and new systems are developed, more efficient schemes will surely become available. However, there is a public interest in allowing continued expansion of an existing system's service that is meeting with public acceptance. To avoid a premature termination of the growth of a successful system, solely to force it to exchange its equipment for the latest technology, would not appear to be a good idea.

Since the Commission proposes to decide that there is not much public interest involved in changing the number of paging receivers in service, the Commission would not seem to have a sound basis for considering spectrum efficiency when an operator requests authority for a larger number of receivers. Since it is not likely that the Commission would desire to scrutinize a pager increase application excessively, and since it would not be likely, in any case, to deny such an application, the Commission would do best to avoid the suggested standard.

We suggest as an alternative that the Commission actively participate in assuring that licensed operators properly share the frequency and avoid the creation of harmful interference so that the marketplace forces can, indeed, work. Perhaps if the Commission puts more emphasis on its enforcement of Section 90.403(e), Section 90.173(b) will take care of itself.

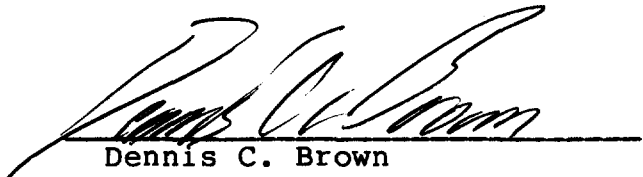
We want to open another possible Pandora's Box and believe that this proceeding is the proper time for our question. We wish to emphasize, however, that if this question will impair, delay, or otherwise cause any difficulty for the Commission in meeting the laudable goals set forth in its proposals, we hereby request that this issue be ignored totally. But, we believe that the issue should be met head on and honestly. We can find no logical basis, whatsoever, for the coordination of paging units as such. Paging base stations should be coordinated and, perhaps, to some degree, based on the proposed level of traffic to be caused by new entrants. But there has never been any logical reason for any coordinator to claim that it is, in fact, coordinating paging units.³ This makes no sense and has long served as only a basis for the excision of fees.

In conclusion, we join with others who will see the logic, fairness, and the bright light of the public interest shining through the Commission's proposals. The NPRM is an appreciation of some of applicants' and licensees' problems which can be quickly solved by rapid adoption of the proposals. We particularly enjoyed Appendix B to the NPRM for its honesty.


³ We have seen at least one instance in which an application showed, on its face, that the channel could not possibly carry the amount of traffic which the applicant's use would create, even disregarding existing users. Nevertheless, it was both coordinated and granted, over strong objections. Unless the Commission is prepared to establish and enforce a channel occupancy standard, it should discontinue frequency coordination of initial paging system applications as unnecessary.

To the wags whose greatest fear is a public position that might offend anyone, we have a single question to conclude our comments. Will you join us in saluting the Commission's fine efforts or will you be waiting to see if any opposing comments are received?

Respectfully submitted,



Dennis C. Brown



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